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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,242	08/01/2001	Andrew Hodgkinson	BAI825390/01485	4038

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EXAMINER

STORK, KYLE R

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/920,242	Applicant(s) HODGKINSON, ANDREW	
	Examiner Kyle R. Stork	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 7, 8, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 7, 8, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final office action is in response to the Request for Continued Examination and amendments filed 30 January 2007.
2. Claims 5, 7-8, and 16-17 are pending. Claims 1-4, 6, and 9-15 have been cancelled by the amendment. Claims 16 and 17 are independent claims.

The rejection of claims 16-17 under 35 USC 103 over Allen et al. (US 5918239, filed 21 January 1997, hereafter Allen) and further in view of Lowery et al. (US 5894554, patented 13 April 1999, hereafter Lowery) has been withdrawn as necessitated by the amendment.

The rejection of claims 5 and 7-8 under Allen and Lowery, and further in view of Cordell et al. (US 5778372, filed 18 April 1996) has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since

the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 17, from which claims 5 and 7 depend, recites the broad recitation "reformatting of the display of said selected web page by the browser after said web page is selected and while said data is being received by the browser only if a predetermined time has elapsed since a previous reformat of the web page or after a predetermined event has occurred (claim 17, lines 7-9), and claim 5 also recites "wherein when the predetermined event occurs (line 2)" and claim 7, and subsequently claim 8, also recites, "wherein a reformatting of the display can occur during the time interval (lines 1-2)" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cordell et al. (US 5845084, patented 1 December 1998, hereafter Cordell).

As per independent claim 16, Cordell discloses an internet web browsing method, the method comprising the steps of:

Identifying an obtaining data from a web page in response to a user instruction
(Figure 2, item 36)

Processing the received data to generate and display the web page on a display screen connected thereto (Figure 4A, item 70)

Wherein when the web page has been selected and the data is being received by a browser, the reformatting of the display of the selected web page by the browser is prevented until one or more of the following conditions are satisfied:

A predetermined time has elapsed since the previous reformat of that web page

A predetermined amount of data is received since the previous reformat of the web page (Figure 4A, items 72-76: Here, if the size of the image is unknown, the reformatting of the web page is stopped (item 72, YES decision). However, once the image size becomes known (item 76, YES

decision) the page is directed to format and display data received (item 70))

A data retrieval is stopped by the user

As per independent claim 17, Cordell discloses an internet web browsing method, the method comprising the steps of:

Identifying an obtaining data from a web page in response to a user instruction (Figure 2, item 36)

Processing the received data by a browser to generate and display the web page on a display screen connected thereto (column 1, line 66- column 2, line 17; Figure 4A, item 70: Here, a browser waits until all data is retrieved to generate and display the web page)

Preventing the browser from reformatting the display of the web page while the browser receives data (Figure 4A, items 72-76; column 1, line 66- column 2, line 17)

Reformatting of the display of the selected web page by the browser after the web page is selected and while the data is being received by the browser only if a predetermined time has elapsed since a previous format of the web page or after a predetermined event has occurred, to reduce the number of reformat required in displaying the web page data is received (Figure 4A, items 72-76)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell, and further in view of Cordell et al. (US 5778372, filed 18 April 1996, hereafter Cordell 084).

As per dependent claim 5, Cordell discloses the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose wherein when an event occurs in the reception of data that would conventionally cause an immediate reformat of the web page the facility notes the highest y-coordinate point or level in the displayed page that would be affected by the reformat and commences the time interval. However, Cordell 084 mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell 084 to Cordell, providing Cordell the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell, and further in view of Lowery et al. (US 5894554, patented 13 April 1999, hereafter Lowery).

As per dependent claim 7, Cordell disclose the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval. However, Lowery discloses reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval (column 8, lines 26-51). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Cordell, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell and Lowery and further in view of Cordell 084.

As per dependent claim 8, Cordell and Lowery disclose the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose wherein sufficient data is deemed to have been received when data which would allow changes to the web page to be achieved up to the previously noted highest y-coordinate point or level has been received. However, Cordell 084 mentions a similar process (column 13, lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell 084 to Cordell, providing Cordell the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

Response to Arguments

11. Applicant's arguments with respect to claims 5, 7-8, and 16-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER